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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,375

Applicant(s)

BONNEAU ET AL.

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 31-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

Claim 1-10, 31-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/7/04. Applicant argues that Class 713/351 does not exist. However, this is not true. The Examiner intended to write 713/153, a simple transposition of numbers. In a phone call conversation with applicant's counsel, it was agreed that Applicant would in the prosecution claims 11-20 and 21-30 would keep the subject matter identical, and thus the Examiner agreed to examine the additional invention of Group III based upon this promise. The restriction is Made FINAL.

Drawings

The drawings are objected to because the flowchart see, e.g., figs 4b, 4c, 4d, 4e, elements 56, 57, 576, 58 need to have a label. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the

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several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: on page 1 applicant is required to amend this page to include the serial number and if applicable the patent number. Also, page 9 line 21 insert "be" after "also".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 11 and 21 there is no antecedent basis "for the each leaf node" or for "all of the unique subsets that contain at least one of the items ...".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11/21, 17/27 rejected under 35 U.S.C. 102(b) as being anticipated by Nolan.

Nolan discloses an apparatus/ computer instructions for generating a plurality of custom browse hierarchies each representative of a unique subset of items, said method comprising: for each leaf node of a primary hierarchy representative of the items (nodes 204 are read as leaf nodes as it is deemed a relative term e.g. does a leaf extend from a tree or vise versa): means for establishing a search rule (read as node properties 210) that comprises an aggregation of constraints specified by the leaf node and its ancestors (aggregation is read as the node name , flags etc see col. 8 line 3-8 which also apply to ancestor or children nodes); and means for identifying all of the unique subsets that contain at least one of the items meeting the aggregation of constraints (identifying means is read as navigator 304 which displays or identifies the child nodes for a given node); and means for creating a custom browse hierarchy for each of the unique subsets (read as shell folder object 1104), said means for creating further comprising means for retaining in the custom browse hierarchy only those leaf nodes, and their ancestors, from the primary hierarchy for which the unique subset has been

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identified by said identifying means (read as the network path 1200 which contains only those nodes to a given location in the network 100).

Re claim 17: the collection of items in a given nodes is read as a catalog of items.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11/21-20/30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan in view of Aggarwal et al.

Nolan discloses the invention substantially as set forth above except that it does not disclose connecting the node data to a database. However, Aggarwal et al. does disclose interrogating a database using attributes defined data see page 4, paragraph [0051]. It would be obvious to modify Nolan who uses a unique ID for each of the unique subsets (see col. 8 lines 1-8 re node identifiers), to store same a database and which Nolan reference further teaches each of the items comprising each of the unique subsets is stored in an entry of a subset ID table (see table 1b col. 8 in Nolan), and which reference further discloses entry containing the subset ID that identifies the unique subset to which the item belongs (see root node identifier Table 1 in Nolan), to

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include Aggarwal et al's means for executing a search of the database to identify each of the items in the database that meet the constraints (read as step 250); and for each of the items identified by said executing a search, means for performing a table join between the identified item and the subset ID table to return a list of all subset IDs that are stored in an entry of the subset ID table with the identified item (feature extraction step 50 of Aggarwal et al.) . The motivation for this would be to use of Ids rather than data reduces bans width usage and allows greater system capacity.

Re claim 13/23.means for locating a next unprocessed leaf node of the primary hierarchy is read as the node pointer 1108; means for retrieving the returned list of all subset IDs for the next unprocessed leaf node (read as navigator 304 which displays child or unprocessed nodes); regarding the step of "cloning" the examiner regards this to be another term for copying function. Official Notice is hereby taken of the old and notorious practice of copying a file and reproducing it in electronic form. The motivation for this would be to use of Ids rather than data reduces bans width usage and allows greater system capacity.

Re claim 14/24. the means for issuing the database query to a database server coupled to the database; and means for translating the search rule to a database query is disclosed in Aggarwal et al. p. 5 paragraph [0063] "K nearest point neighbor search based on node proximity. The wherein clause is not deemed sufficiently weighted to be

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a positive limitation. The motivation for this would be to use of Ids rather than data reduces bandwidth usage and allows greater system capacity.

Re claim 15/25. System 130 inherently uses a server.

Re claims 16,17/26,27. Aggarwal et al. is a catalog based system for which attributes IDs are unique product identifiers allowing the unique subsets operable to browse the custom catalog.

Re claim 18,19,20/ 28,29,30. Nolan creates a custom browse hierarchy with the subset ID used to identify the unique subset for which the custom browse hierarchy is created (see above analysis), and through its creation of shortcuts based on node IDs displays on a terminal having access to the database these shortcuts in response to a request identified by the subset I.D. (e.g. previous inquiries). The shortcuts in Nolan are made to web pages. Nolan discloses "transferring the shortcuts to others" and hence has a means for exporting each formatted copy to an entity associated with the subset ID.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Questions can be directed to PRIMARY EXAMINER Joseph A. Fischetti at 703
305 0731.

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